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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,655	09/07/2000	Kiminori Sugauchi	ASA-934	2535
24956	7590	10/06/2003	EXAMINER	
MATTINGLY, STANGER & MALUR, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			Caldwell, Andrew T	
		ART UNIT	PAPER NUMBER	
		2157	7	
DATE MAILED: 10/06/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/657,655	SUGAUCHI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Andrew Caldwell	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 07 September 2000.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4 and 6-9 is/are rejected.

7) Claim(s) 5 and 10 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## 1 **Remarks**

2 Claims 1-10 are pending.

3

### **Remarks**

2 Claims 1-10 are pending.

3

## ***Claim Objections***

5 Claims 4 and 8-10 are objected to under 37 CFR 1.75(a) for failing to particularly  
6 point out and distinctly claim the subject matter of the invention. Regarding claim 4, the  
7 statement at line 3 that the other network devices “has” is grammatically incorrect. The  
8 word comprise would be more appropriate. Claims 8 and 10 are method claims that  
9 depend on apparatus claim 1 as opposed to method claim 6. For purposes of prior art  
10 rejections in this Office action, the claims will be construed as depending on method  
11 claim 6. Claim 9 is objected to because it depends on claim 8.

12

## ***Claim Rejections - 35 USC § 112***

14 The following is a quotation of the second paragraph of 35 U.S.C. 112:

15 The specification shall conclude with one or more claims particularly pointing out and distinctly  
16 claiming the subject matter which the applicant regards as his invention.

17

18

19 Claims 3-4 and 8-9 are rejected under 35 U.S.C. 112, second paragraph, as  
20 being indefinite for failing to particularly point out and distinctly claim the subject matter  
21 which applicant regards as the invention. Regarding claim 3, lines 3-6 don't make  
22 sense. Method claim 8 contains the same problem in lines 4-7. Claims 4 and 9 are  
23 rejected because they depend on claims 3 and 8, respectively.

24

## ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee U.S. Patent No. 6,301,624.

Regarding claim 1, Lee anticipates the claimed invention by disclosing a system comprising:

A network device (Fig. 1 elem. 106 CMIP device):

## A managing apparatus for managing the network device (Fig. 1 elem. 114)

Wherein the managing apparatus has a means for determining an event issuing control condition for the network device according to an event processing capability of the managing apparatus (col. 5 line 60 to col. 6 line 60; MPA determines if event count for the device has been exceeded, if so, it sends message aborting the device's association with the MPA), and a means for

1                    notifying the event issuing control condition to the network device (Fig. 1 elem.  
2                    108 CMIP stack);

3                    Wherein the network device has a means for performing an event issuing  
4                    control condition according to the event issuing control condition notified from the  
5                    managing apparatus (col. 5 line 60 to col. 6 line 60; device stops sending  
6                    messages to MPA after being disassociated, where the association between the  
7                    device and the MPA is the event issuing control condition).

8                    Regarding claim 6, it is a method claim corresponding to apparatus claim 1.

9                    Since it does not teach or define above the information in the corresponding apparatus  
10                  claim, it is rejected under the same basis.

11

12                  Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by  
13                  Meandzija et al., U.S. Patent No. 6,404,743.

14

15                  Regarding claim 1, Meandzija anticipates the claimed invention by disclosing a  
16                  system comprising:

17                  A network device (Fig. 2 elem. 230);

18                  A managing apparatus for managing the network device (Fig. 2 elem.  
19                  210);

20                  Wherein the managing apparatus has a means for determining an event  
21                  issuing control condition for the network device according to an event processing  
22                  capability of the managing apparatus (Fig. 2 elem. 224; col. 10 lines 59-65), and

1           a means for notifying the event issuing control condition to the network device  
2           (Fig. 2 SNMP manager);

3           Wherein the network device has a means for performing an event issuing  
4           control condition according to the event issuing control condition notified from the  
5           managing apparatus (Fig. 2 elem. 244; col. 10 lines 59-65).

6           Regarding claim 6, it is a method claim corresponding to apparatus claim 1.

7           Since it does not teach or define above the information in the corresponding apparatus  
8           claim, it is rejected under the same basis.

9

10           ***Claim Rejections - 35 USC § 103***

11           The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
12           obviousness rejections set forth in this Office action:

13           (a) A patent may not be obtained though the invention is not identically disclosed or described as set  
14           forth in section 102 of this title, if the differences between the subject matter sought to be patented and  
15           the prior art are such that the subject matter as a whole would have been obvious at the time the  
16           invention was made to a person having ordinary skill in the art to which said subject matter pertains.  
17           Patentability shall not be negated by the manner in which the invention was made.

18  
19           This application currently names joint inventors. In considering patentability of  
20           the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of  
21           the various claims was commonly owned at the time any inventions covered therein  
22           were made absent any evidence to the contrary. Applicant is advised of the obligation  
23           under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was  
24           not commonly owned at the time a later invention was made in order for the examiner to  
25           consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)  
26           prior art under 35 U.S.C. 103(a).

1  
2       Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
3       Michihisa, Japanese Patent Application 09147956, in view of CCITT Recommendation  
4       X.734, Information Technology – Open Systems Interconnection – Systems  
5       Management: Event Report Management Function, pp. 1-17, 1993, and Novik et al.,  
6       U.S. Patent No. 6,314,533.

7  
8       Regarding claim 1, Michihisa teaches the invention substantially as claimed by  
9       disclosing a system comprising:

10           A network device (Fig. 1 elem. 10);  
11           A managing apparatus for managing the network device (Fig. 1 elem. 1);  
12           Wherein the managing apparatus has a means for determining an event  
13           issuing control condition for the network device according to an event processing  
14           capability of the managing apparatus (Fig. 1 elem. 2, 4, 9 and abstract).

15       Michihisa does not teach a system wherein the managing apparatus further  
16       comprises a means for notifying the event issuing control condition to the network  
17       device and wherein the network device has a means for performing an event issuing  
18       control condition according to the event issuing control condition notified from the  
19       managing apparatus.

20       Recommendation X.734 on the other hand teaches a manageable local event  
21       forwarding discriminator for use on a managed network device (p. 5 § 7.2 and 7.2.1;  
22       Figure 1). Recommendation X.734's event reporting management function that allows

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1 the open system/managing apparatus to establish and control event forwarding  
2 corresponds to a means for notifying the event issuing control condition to the network  
3 device. Recommendation X.734's event forwarding discriminator corresponds to a  
4 network device having a means for performing an event issuing control according to the  
5 event issuing control condition notified from the managing apparatus.

6 It would have been obvious to one of ordinary skill in the art at  
7 the time the invention was made to modify the system of Michihisa to filter events at the  
8 managed network device as opposed to the managing device based on  
9 Recommendation X.734's teaching regarding the filtering of events at the managed  
10 network device. This modification would have been obvious because of Novik's  
11 teaching that performing filtering closer to the event source helps reduce the volume of  
12 network data traffic (col. 4 lines 15-18).

13 Regarding claim 6, it is a method claim corresponding to apparatus claim 1.  
14 Since it does not teach or define above the information in the corresponding apparatus  
15 claim, it is rejected under the same basis.

16  
17 Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
18 the combination of Michihisa in view of Recommendation X.734 and Novik as applied to  
19 claims 1 and 6 above, and further in view of Lewis et al., U.S. Patent No. 6,131,112.

20  
21 Regarding claim 2, the combination of Michihisa in view of Recommendation  
22 X.734 and Novik teaches the invention substantially as claimed. See the rejection of

1 claim 1 above. The combination does not teach the additional limitations of claim 2.  
2 Lewis on the other hand teaches a system wherein the managing apparatus has a  
3 means for setting an event priority level in the event issuing control condition to be  
4 notified to the network device, the event priority level being issued by the network  
5 device according to a management request (col. 10 lines 23-36). Lewis also teaches a  
6 system wherein the means of the network device for performing the event issuing  
7 control has a means for issuing events according to the set priority level (col. 10 lines  
8 23-36). It would have been obvious to one of ordinary skill in the art at the time the  
9 invention was made to combine Lewis's prioritization of events with the system of the  
10 combination of Michihisa in view of Recommendation X.734 and Novik because  
11 prioritization ensures that important events are sent before less important events, thus  
12 providing the managing apparatus with more pertinent information.

13 Regarding claim 7, it is a method claim corresponding to apparatus claim 2.  
14 Since it does not teach or define above the information in the corresponding apparatus  
15 claim, it is rejected under the same basis.

16 -

17 ***Allowable Subject Matter***

18 Claim 5 is objected to as being dependent upon a rejected base claim, but would  
19 be allowable if rewritten in independent form including all of the limitations of the base  
20 claim and any intervening claims. Claim 10 would be allowable if it were rewritten in  
21 independent form including all of the limitations of method claim 6.

The following is a statement of reasons for the indication of allowable subject matter: As to claim 5, the prior art of record does not teach or suggest a combination as claimed including an event control parameter setting means moved from the managing unit to the network device along with the necessary event transmission means and including the various means specified in lines 6-17 of the claim.

## Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10 Taghaddoss, U.S. Patent No. 6,052,722, describes the general problem of  
11 processing the substantial volume of alarms or events generated in a network  
12 system (col. 5 lines 1-14).

13 Sundaram et al., U.S. Patent No. 6,564,341, describes a possible solution  
14 to the problem of notification storms. Sundaram describes how network  
15 elements inhibit alarms in circumstances where it is possible that the network  
16 management system will be overloaded (col. 10 lines 40-49). However, nothing  
17 in Sundaram suggests that these circumstances are somehow programmable  
18 based on the processing load of the network management system.

19  
20  
21 A shortened statutory period for response to this action is set to expire **three**  
22 **months** from the mail date of this letter. Failure to respond within the period for  
23 response will result in **ABANDONMENT** of the application (see 35 U.S.C. 133, M.P.E.P.  
24 710.02, 710.02(b)).

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1  
2 Any inquiry concerning this communication or earlier communications from the  
3 examiner should be directed to Andrew Caldwell, whose telephone number is (703)  
4 306-3036. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m.  
5 EST.

6  
7 If attempts to reach the examiner by phone fail, the examiner's supervisor, Ario  
8 Etienne, can be reached at (703) 308-7562. Additionally, the fax numbers for Group  
9 2100 are as follows:

10  
11 Fax Responses: (703) 872-9306

12  
13 Any inquiry of a general nature or relating to the status of this application should  
14 be directed to the Group receptionist at (703) 305-9600.

15  
16  
17 *Andrew Caldwell*

18  
19  
20  
21 Andrew Caldwell  
22 703-306-3036  
23 September 20, 2003

24